

SECOND DIVISION

[**A.M. No. P-06-2213 (Formerly OCA IPI No. 06-2378-P), November 23, 2007**]

**SANTOS SY, COMPLAINANT, VS. IBRAHIM T. BINASING,
OFFICER-IN-CHARGE/SHERIFF, REGIONAL TRIAL COURT,
OFFICE OF THE CLERK OF COURT, COTABATO CITY,
RESPONDENT.**

RESOLUTION

CARPIO MORALES, J.:

The Metropolitan Trial Court, Branch 75 of Marikina rendered a judgment in Civil Case No. 03-7464 in favor of the therein plaintiff-herein complainant Santos Sy, Managing Director of Starbenz Inc., against one Ang Ping, *doing business under the name and style of Ang Ping Enterprises*.

Its decision having become final and executory, the trial court issued a Writ of Execution on June 21, 2004.

The writ of execution was referred by complainant's counsel to respondent Officer-in-Charge/Sheriff Ibrahim T. Binasing of the Office of the Clerk of Court, Regional Trial Court, Cotabato City for implementation upon the defendant, "c/o Ang Mart Enterprises, 25 Sinsuat Ave., cor. Jose Lim St., Cotabato City."

By letter of September 22, 2004 addressed to respondent, complainant, through counsel, reiterated his request for the implementation of the writ. The request was followed by another letter dated December 6, 2004. Despite receipt of the letters and the required expenses for the implementation of the writ, respondent failed to implement it.

In a February 28, 2005 letter, complainant's counsel warned respondent that "failure to do your work may constrain us to bring this matter to the proper authority for appropriate sanctions x x x." The warning was reiterated in a letter of July 26, 2005 to respondent.

Replying, respondent, by letter of August 15, 2005, asked complainant's counsel for the bank account number of complainant. By a subsequent letter dated November 15, 2005, respondent informed complainant's counsel, however, that the money judgment was "not yet in [his] hands" and that the delay in the implementation of the writ was due to the numerous requests from different courts of Maguindanao for implementation of writs of demolition and he was the only sheriff assigned for the purpose.

Hence, arose the present administrative case filed on February 3, 2006 with the Office of the Court Administrator (OCA) for neglect of duty.